

REMARKS

Claims 1-41 have been canceled and claims 42-82 have been added in the present amendment. In summary of the outstanding Office Action, the drawings are objected to under 37 CFR 1.84(p)(5), and the claims are objected to under 37 CFR 1.126 generally. Claims 4, 5, 11-12 and 14 are objected to for informalities and claims 1 and 41 stand rejected under 35 USC § 112 as being allegedly indefinite. Claims 2, 8-10, 12-13, 17, 21, 24-26, 31-32 and 34-35 stand rejected under 35 U.S.C. § 102(b) as allegedly anticipated by U.S. Patent No. 5,619,247 (Russo). Claims 1, 3-7, 11, 14-16, 18-20, 27-30 and 36-41 stand rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over Russo, either alone or in view of one or more of the following: International Publication No. WO 01/54410 A2 (Braitberg), U.S. Patent Application Publication No. 2004/0083492 (Goode et al.), and U.S. Patent No. 6,438,751 (Voyticky).

Reconsideration of the outstanding objections and rejections to the claims and drawings is respectfully requested in view of the present amendments and following remarks.

Objections to the drawings under 37 CFR 1.84(p)(5)

The specification has been amended to reflect the correct reference numeral, 44, that is indicated in the drawing. The disclosure and drawing are now consistent. Therefore, withdrawal of the objection is earnestly solicited.

Objections to claims under 37 CFR 1.126 and for informalities

The claims are objected to because the numbering of claims is allegedly not in accordance with 37 CFR 1.126. Applicants also thank Examiner for renumbering misnumbered claim 39. However, in the present amendment, claims 1-41 have been canceled and the new claims 42-81 added in the present amendment comply with the regulations underlying the issues raised in the objection. Therefore, withdrawal of the objection is earnestly solicited.

Also, claims 4, 5, 11-12 and 14 are objected to for informalities. These have been addressed in the claims added by the present amendment. Therefore, withdrawal of the objections due to these informalities is earnestly solicited.

Rejections under 35 USC § 112

Claims 1 and 41 stand rejected under 35 USC § 112 as being allegedly indefinite. Claims 1 and 41 have been canceled and the claims added in present amendment comply with 35 USC § 112. Therefore, withdrawal of the rejections under 35 U.S.C. § 112 for claims 1 and 41 is earnestly solicited.

Rejections under 35 USC § 102(b)

Claims 2, 8-10, 12-13, 17, 21, 24-26, 31-32 and 34-35 stand rejected under 35 U.S.C. § 102(b) as allegedly anticipated by Russo.

Claims 1-41 have been canceled without prejudice.

With respect to elements newly added claim 42 may arguably share in common with rejected claim 2, the Office Action contends that Russo teaches “producing digital movie disks with multiple movies recorded on the disks with a defined digital recording procedure...” According to the Office Action, the defined digital recording procedure is taught by Russo using a compression/decompression algorithm. However, Applicants respectfully submit that using a compression/decompression algorithm does not necessarily mean using a “portable multilayer storage medium having a physical format” and “reading the medium with a reader device configured to read the physical format; and tracking with the reader device which and how many times the video segments are played using characteristics of said physical format.” as appears in newly added claim 42. Support for this and related material in the added claims appears on pages 7 and 8 of the specification. A compression/decompression algorithm is merely that which is used to change how information is represented in a file to decrease or increase the size of the file and is independent of the physical characteristics of the media on which the files are stored. Furthermore, a file may be compressed or decompressed without being digitally recorded onto a disk or storage medium. As an example, Russo uses such a compression/decompression algorithm to compress data that may have been received in uncompressed format (col. 7, lines 62-64). Thus, for the reasons above and others, Applicants submit that all the limitations of claim 42 are not taught or suggested by Russo.

Regarding claims 43-82, with respect to elements they may arguably share in common with rejected claim 2, all the limitations of claims 43-81 are not taught or suggested

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by Russo or any other references cited by the Office Action for the same reasons presented above. Therefore, Applicants submit that added claims 43-81 of the application are in condition for allowance.

Rejections under 35 USC § 103(a)

Claims 1, 3-7, 11, 14-16, 18-20, 27-30 and 36-41 stand rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over Russo alone or in view of one or more of the following: Braitberg, Goode et al., and Voyticky.

Claims 1, 3-7, 11, 14-16, 18-20, 27-30 and 36-41 have been canceled without prejudice. Applicants submit that all the elements of claims 1, 3-7, 11, 14-16, 18-20, 27-30 and 36-41 and newly added claims 42-82 are not taught or suggested by Russo, Braitberg, Goode et al., Voyticky, or any combination thereof.

Applicants would also like to note that the present application is related to U.S. Patent Application Serial No. 09/781,679 also filed on February 12, 2001 to which Examiner is also assigned and wherein Examiner has cited Patent Application Publication No. 2004/0054630 A1 (Gitner et al.), U.S. Patent Application Publication No. 2004/0054630 (Yuen et al.) and U.S. Patent Application Publication No. 2002/0100043 (Lowthert).

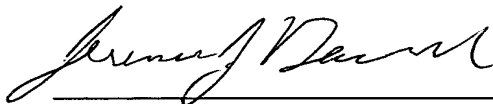
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CONCLUSION

Applicants believe that the present reply is responsive to each point raised by the Examiner in the Office Action and Applicant submits that claims 42-82 of the application are in condition for allowance. Favorable consideration and passage to issue of the application at the Examiner's earliest convenience is earnestly solicited. However, should the Examiner find the claims as presented herein to not be allowable for any reason, Applicants' undersigned representative earnestly requests a telephone conference at (206) 332-1392 with both the Examiner and the Examiner's Supervisor to discuss the basis for the Examiner's continued rejection in light of the Applicant's arguments presented herein. Likewise, should the Examiner have any questions, comments, or suggestions that would expedite the prosecution of the present case to allowance, Applicants' undersigned representative would very much appreciate a telephone conference to discuss these issues.

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